



In re Application of:

JOEL S. GREENBERGER, ET AL.

Serial No. 09/292,056

Filed: April 14, 1999

Art Unit: 1655

Patent Examiner:

J. Souaya

METHOD AND APPARATUS FOR HOLDING CELLS

Pittsburgh, Pennsylvania 15213

July 24, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

ELECTION WITH TRAVERSE

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231.

5/22/91

Ansel M. Schwarz
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7/24/01
Date

Please enter the following remarks in response to the Office Action dated 11/26/2015

April 24, 2001.

REMARKS

Claims 1 and 47-123 are currently active

The Examiner has placed a restriction requirement on the above-identified patent publication. The Examiner has identified nine distinct inventions claimed by applicants

in the above-identified patent application. Applicants elect Invention IX having Claims 114-123, drawn to an apparatus for culturing and analyzing cells, with traverse.

The Examiner is requested to reconsider the restriction requirement in regard to Inventions I, II, IV, V, VI, VII and IX, and rescind it. This is because a patentability review of Claims 114-123 of Invention IX will reveal the patentability of Inventions I, II and IV-VII. Invention IX has the limitation of an image recognition system. Invention I has an imaging mechanism. Invention II has an identifying mechanism which identifies division and differentiation of the cell. Invention IV has a mechanism for determining the state of the cells. Invention VI has a mechanism for determining a stage of cells based on a metabolic process. Invention VII has an imaging mechanism. All of these limitations are similar and the patentability in regard to these limitations would be revealed in a patentability search for the limitation of "an image recognition system" as found in Invention IX.

Invention IX has the limitation of a liquid handling system. Claim 1 has a mechanism for incubating a plurality of cells. Invention II has a mechanism for incubating cells. Invention IV has a mechanism for incubating a plurality of cells. Invention V has a mechanism for incubating the cells. Invention VI has a mechanism for incubating cells. Invention VII has a mechanism for incubating a plurality of cells. These limitations are similar and the patentability of the limitations of Claim 114 will reveal the patentability of the other limitations of the other claims of the other inventions.

If the Examiner does not agree with applicants' position, then once the Examiner places the restriction requirement in final status, applicants will cancel the claims of the non-elected inventions.

In view of the foregoing remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1 and 47-123, now in this application be allowed.

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Respectfully submitted,

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